

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

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EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS
NOV 23 2021

In the matter of:)	BOEE Case No. 21-88
)	Folder # 332990
PETER PEARSON,)	
)	COMBINED STATEMENT OF
Respondent.)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STATEMENT OF CHARGES

Count I

Respondent is charged with fraud, in violation of 282 Iowa Administrative Code rule 25.3(1)(a).

Count II

Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

Count III

Respondent is charged with conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement, in violation of 282 Iowa Administrative Code rule 25.3(6)(d).

Count IV

Respondent is charged with soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage, in violation of 282 Iowa Administrative Code rule 25.3(6)(f).

STIPULATIONS

1. Respondent holds a MASTER EDUCATOR LICENSE (FOLDER # 332990) with the following endorsements: 5-12 Driver and Safety Education; 5-12 Biological Science; K-12 Instructional Strategist II: BD/LD. This license is current and will next expire on 2/29/2024.
2. During all material events of this case, Respondent was employed as a Driver Education Instructor with the Pearson's U-Drive Right.
3. On July 1, 2021, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.
4. On September 10, 2021, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph(s) 5 below.
5. Investigation revealed that two students had business reviews posted under their names on Respondent's website after the Respondent accessed both students' phones during their first driving lesson.

SETTLEMENT AGREEMENT

6. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.
7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:
 - a. Respondent accepts a WRITTEN REPRIMAND.
 - b. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course.

Respondent shall provide the Board with proof of completion of the ethics course within ONE YEAR of the Board's acceptance of this Settlement Agreement and Final Order. Failure to complete the ethical class within the allotted time period will result in immediate suspension of his license until completed.

- c. Respondent agrees to remove all disputed business reviews from his website within TEN (10) DAYS of the Board's acceptance of this Settlement Agreement and Final Order. Failure to timely remove the disputed business review will result in immediate suspension of his license until completed.

LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.


I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

11-19-2021
Date


Peter Pearson, Respondent

ORDER


IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course within ONE YEAR of the Board's acceptance of this Settlement Agreement and Final Order. Failure to complete the ethical class within the allotted time period will result in immediate suspension of your license until completed.
- c. Respondent agrees to remove all disputed business reviews from his website within TEN (10) DAYS of the Board's acceptance of this Settlement Agreement and Final Order. Failure to timely remove the disputed business review will result in immediate suspension of your license until completed.

2. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 10th day of December, 2021.


Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Peter Pearson
RESPONDENT

Zeke McCartney
ATTORNEY FOR RESPONDENT

Kristi A. Traynor
ATTORNEY FOR THE STATE